

Group I are not defined in the inventions of Groups II and Group III. See Restriction, p. 3.

In addition, the Office indicates that Group I requires further restriction based on an alleged lack of unity under PCT Rule 13.1, and that Applicants must elect from one of species i-xii should they elect Group I. *Id.* at 4. In response, Applicants elect, with traverse, the subject matter of Group I, species (i), claims 40-49, 51, and 78.

According to the Office, species (i) is limited to claims 40-49, 51, and 78. However, Applicants contend that the Group I, species (i), should further include at least claims 52-55. Nothing in the election of claims 40-49, 51, and 78 excludes:

a cathode with a ceramic, such as claim 52;
a cathode with doped ceria, such as claim 53;
a cathode with a metal and a ceramic, such as claim 54; and
an electrolyte membrane, such as in claim 55. Rather, the breadth of claims 40-49, 51, and 78 encompass the scope of these claims. For at least those reasons, Applicants respectfully request that the Office amend its restriction of Group I, species (i), to include at least claims 40-49, 51-55, and 78.

Applicants further traverse the rejection for at least the reason that all of the technical features of claim 40 are found in claim 56:

| claim 40/ Group 1 | claim 56/ Group II |
|---|--|
| A solid oxide fuel cell comprising a cathode, | a solid oxide fuel cell comprising a cathode |
| an anode | an anode |
| and at least one electrolyte membrane disposed between said anode and said cathode, | at least one electrolyte membrane disposed between said anode and said cathode |

| | |
|---|---|
| wherein said anode comprises a cermet comprising a metallic portion and | an anode comprising a cermet comprising a metallic portion and |
| an electrolyte ceramic material portion | an electrolyte ceramic material portion |
| said portions being substantially uniformly interdispersed | said portions being substantially uniformly interdispersed |
| said metallic portion having a melting point equal to or lower than 1200°C; | said metallic portion having a melting point equal to or lower than 1200°C; |
| said cermet having a metal content higher than 50 wt%, | said cermet having a metal content higher than 50 wt%, |
| a specific surface area equal to or lower than 5 m ² /g. | a specific surface area equal to or lower than 5 m ² /g |

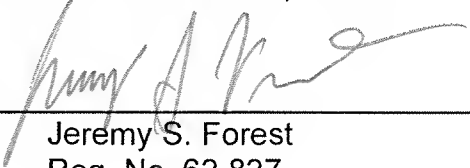
Claim 56, which is directed to a method of producing electricity from a solid oxide fuel cell, discloses the same technical features as the solid oxide fuel cell of claim 40. Hence restriction is improper.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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